

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 381 OF 2014

Shri Neminath Parisa Ruikar ... Petitioner
Vs
1 The State of Maharashtra & Ors. ... Respondents

Mr. N.V. Bandiwadekar for the Petitioner.

Mr. S.B. Kalel, AGP, for the Respondent-State.

Mr. Umesh Mankapure for the Respondent Nos.3 & 4

***CORAM : S.C. DHARMADHIKARI &
M.S. KARNIK , JJ.***

WEDNESDAY, 6TH FEBRUARY, 2019

P.C. :

1 After the writ petition was argued for some time on the earlier occasion and today, we passed two orders, one dated 24th January, 2019 and another on Thursday, 31st January, 2019.

That order reads as under :

“1 *Heard both sides.*

2 *It is stated by Mr. Mankapure appearing for the Management, on instructions, that without prejudice to the rights and contentions, the Management will deposit a sum of Rs.11,72,000/- by demand draft in this Court on*

or before 5th February, 2019.

3 *We place this matter on the Supplementary Board on 6th February, 2019.”*

2 After this matter was posted today, both sides agree that the sum deposited in this Court by the Management by way of Demand Draft (Rs.11,72,000/-) shall be allowed to be withdrawn by the petitioner before us and with accrued interest. Needless to clarify that the entitlement having been crystallized and the liability admitted, there is no question of the Registry insisting on any security being furnished by the petitioner.

3 In addition to the above, on payment of Rs.3,00,000/- by three installments commencing from 10th February, 2019 and ending by 10th April, 2019, to the petitioner by the Management, the sum already withdrawn and this additional sum shall be accepted in full and final settlement. Thereafter, nothing would be due and payable by the Management.

4 In the event there is a default in the payment of the first installment or the further installments, then, the petitioner

shall be entitled to press his claim as outlined by him in a statement which has been shown to us by Mr. Bandiwadekar. He can then recover all the sums which are due and payable to him in accordance with law.

5 In the event the amount of Rs.3,00,000/- is paid, then, the Writ Petition to stand disposed of in terms of the settlement between the parties. Since the settlement brings an end to a dispute between the teacher and the Management and larger public interest is not being adversely affected by such a settlement, the writ petition to stand disposed of. It will stand disposed of in the light of the settlement and without examining the rival contentions.

M.S. KARNIK, J.

S.C. DHARMADHIKARI, J.